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### **Testimony of Steve Paul, President**

#### **Charles County Commissioners June 21, 2016 Comprehensive Plan Public Hearing**

My name is Steve Paul, President, Southern Maryland Association of REALTORS® (SMAR).

Thank you for the opportunity to speak to you tonight.

SMAR previously submitted review comments at the May 17, 2016 County Commissioner Public Hearing.

We have also reviewed the June 7 and June 14 work sessions materials and subsequent proposed amendments to the April 2016 Draft Comprehensive Plan.

Additional detailed comments will be provided prior to the June 28 closing date of the Public Hearing record. Three minutes is not sufficient time.

Significant changes are proposed, resulting in many inconsistencies with other Comp Plan chapter's goals, objectives and implementation policies. The pace and breadth of all the amendments make it difficult for the public to review, understand and then provide meaningful comments. For example, amendments from the June 14 Work session (summarized in *PGM's Public Hearing 6-21-16 Chapters 1-11 Part I*) was placed on the County's Comprehensive Plan web site (<http://www.charlescountyplan.org/document-library>) on June 15, 6 days before this scheduled public hearing. Then there was a work session today at 1:50 PM, hours before today's public hearing. What then is the rush for approval by July 12!

Many communities are re-thinking comprehensive plans – the process and content, given the dynamic changes communities have and will experience. This is true as well for Charles County. We are concerned that the current plan, with the proposed significant changes and the compressed process, do not reflect what Comprehensive Plan should be.

Drawing on research from other communities, the following is a general check list of how other communities are updating Comprehensive Plans. While each community is unique and different, there are common threads and lessons to be learned. Comments are provided and highlighted specific to Charles County:



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A comprehensive plan should be:

- A road map that provides guidance on where and how Charles County will grow and change over the next 10 to 20 years
- Answers the following:
  - Where are we?
  - Where do we want to be in the future? **The current plan does not provide a vision of the County's future, rather the Plan only provides what is to be prevented versus positive policies, tools and consensus to achieve the future.**
  - And how do we get there? **Again, limited positive policies and proposals for a path to the future.**

A Comprehensive Plan provides value:

- Identifies trends and future implications
- Shapes change rather than react to it
- Enhances community life
- Balances competing needs and desires. **The Plan lacks needed balance between environmental issues and focused economic development and support to the business community.**
- Predictability for developers, businesses and residents. **The proposed amendments are counter to previous development approvals and the May 4, 2016 approved Charles County Five Year Economic Development Strategy.**
- Saves money through planned and orderly investment in services, facilities and infrastructure. **Concern that the Capital Improvement Plan (CIP) is not synchronized and consistent with the Comp Plan.**
- Preserves sense of place and unique identity

An effective Comprehensive Plan:

- Reflects the community; can be implemented **The scope of the proposed amendments and lack of consensus cast serious doubts that the Plan will be implemented in an effective way.**
- Organized the way local officials and citizens think



- Devises practical and workable recommendations **Many of the proposed amendments are again negative, to prevent something, rather than positive and inclusive policies and objectives to provide a path to the best future for the County, present and future residents and businesses. Potential legal challenges may further complicate implementation.**
- Recruits partners and create capacity to implement the plan. **The 5-year Comp Plan update process. has generated controversy and emotion. This is not necessarily negative, but a positive indicator of an engaged community. However, the capacity for Plan implementation is seriously jeopardized by little or no ability to reach consensus and compromise. The process has been one sided, listening to one group versus other perspectives in the community. Possible legal challenges limit the capacity for implementation.**
- Obtains ownership of the plan - commitment for implementation by the community, County leadership, staff, and other boards/commissions. **Again, there has been little or no consensus building, reflecting community and business interests.**
- The content and organization of a plan matters, and should not follow the old "template". **The Plan uses the tried and true old template, used by other communities and consultants, rather reflecting the uniqueness of the County, then solutions and policies for the best vision and future for present and future County residents and businesses.**
- A plan should not be considered complete until capacity to implement it is in place. **Earlier comments reflect the concern the Plan is not complete, given limited capacity for implementation and possible legal challenges.**
- A plan should become part of the daily conversations by elected officials and staff. **To a certain extent, the County actions reflect awareness of the Plan. However, we are perplexed by the proposed amendments to abandon economic development support to the Maryland Airport, in direct contradiction to the 5 Year Economic Development Strategy adopted May 4, 2016.**

Thank you for the opportunity to speak tonight.



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June 27, 2016

Charles County Board of County Commissioners  
P.O. Box 2150  
La Plata, MD 20646

Subject: Comment Letter, June 21, 2016 Comprehensive Plan Public Hearing

Dear County Commissioners:

The Southern Maryland Association of REALTORS® (SMAR) previously submitted review comments at the May 17, 2016 and June 21, 2016 County Commissioner Public Hearings.

We have also reviewed the June 7, June 14 and June 21 work sessions materials and subsequent proposed amendments to the April 2016 Draft Comprehensive Plan.

The following comments are provided by specific issues:

**Issue: The Board of County Commissioners (BOCC) proposal to redraw the Development District boundaries would result in the downzoning of 28,840 acres of land and raises implementation and state law concerns.**

Chapter 3 (Land Use) of the Draft Comprehensive Plan designates a primary Development District that contains approximately 52,200 acres of land and generally coincides with the Mattawoman sewer service area. According to draft Chapter 3, the proposed Development District is intended to accommodate the vast majority of future residential growth in the County:

The major advantage of the Development District concept is to map in advance those areas where 75% of the County's residential growth will occur and the County will provide infrastructure to support growth, including water and sewer, schools and roads. By providing opportunities for development in these areas, the County can better achieve its resource protection and agricultural preservation objectives by reducing pressure for development in areas dominated by farming activity or natural resources. To further these objectives, the Development District is designated as a receiving area for development rights that may be purchased and transferred from agricultural conservation and rural conservation areas of the County.





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However, the proposal by the BOCC would drastically reduce the size of the primary Development District from 52,200 acres to 23,360 acres by redrawing the Development District boundaries to match the boundaries of the existing Priority Funding Area ("PFA") located in the northern (Waldorf) area of the County. According to the June 21st "Public Hearing Presentation," the 28,840 acres of land that the BOCC proposes to remove from the Development District "would be subject to downzoning to a lower density as a part of the Comprehensive Rezoning to implement the plan."

In a June 10, 2016 memorandum to the BOCC (the "June Planning Director Memo"), the Planning Director cautions that the proposal to reduce the size of the Development District is "fraught with difficulties in implementation and impacts." The June Planning Director Memo states, in relevant part:

*The county has planned and implemented sewer expansion into these areas over the years. This has resulted in many development projects coming on line and being built. While changing the boundary is easy enough, the question becomes what to do with the remaining undeveloped properties through developed areas and those approved but not built. Since the purpose is to limit development in the areas that would now be outside of the PFA areas, these areas would need to be downzoned as part of the Comprehensive Rezoning to implement the plan. This will create a land use district that is checkered with developments at 3-5 units per acre and newly rezoned areas at much lower densities. I assume you would want to rezone the undeveloped areas to Watershed Conservation District (WCD). The proposed density for WCD is one unit per twenty acres.*

Under the Draft Comprehensive Plan, the Watershed Conservation District has a base residential density of one unit per ten acres (1:10) and an "anticipated average density" of one unit per twenty acres (1:20). In comparison, the Development District has a base residential density of one unit per acre (1:1) and an "anticipated average density" of two to four units per acre (2:1 to 4:1) under the Draft Comprehensive Plan. Using base residential density as the basis for comparison, the proposed change from Development District (one unit per acre) to Watershed Conservation District (one unit per ten acres) would reduce the development potential of affected land by 90 percent. This significant reduction in development potential is likely to diminish the market value of affected property.



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In addition to the downzoning and “checker boarding” concerns raised by the Planning Director, the June Planning Director Memo also notes that affected landowners and developers “will no longer be able to utilize nearby sewer connections.” It also states that a rezoning to WCD would not be allowed under state “septics law” because the area is already planned for, and to some extent improve with, public sewer:

*If planned for sewer use, land cannot be zoned for conservation purposes per SB 236, the Sustainable Growth and Agricultural Preservation Act of 2012. This may result in the need for additional changes to the Tier Map or to create an entirely new zoning district to implement this policy. There also remains the question of whether or not approved projects in these areas can advance with development if no longer consistent with the plan. This raises various legal questions that cannot be answered at this time.*

According to the Maryland Department of Planning (MDP), the Sustainable Growth & Agricultural Preservation Act of 2012 “limits the spread of septic systems on large-lot residential development to reduce the last unchecked major source of nitrogen pollution into Chesapeake Bay and other waterways.” The act created four “growth tiers” to be mapped by each Maryland county and municipality in order to identify where major and minor residential subdivisions may be located and what type of sewerage system will serve them. Tier I are areas that are served by public sewer systems. Tier II are future growth areas that are planned to be served by public sewer systems. Tier III are areas that are not planned for sewer service and are not dominated by agricultural or forest land. Tier IV are areas that are not planned for sewer service and are planned or zoned for agricultural, resource or land preservation or conservation.

If the land that the BOCC proposes to remove from the Development District is planned—and to some extent, already improved—for public sewer service, then the June Planning Director Memo suggests that a rezoning to WCD would not be allowed under the Sustainable Growth and Agricultural Preservation Act of 2012.

We question whether the BOCC has adequately considered the negative impacts that the proposal to redraw the boundaries of the primary Development District to match the boundaries of the PFA located in the northern (Waldorf) area of the County would have on the development potential and market value of affected property. The proposed Development District change would result in





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the downzoning of 28,840 acres of land and rezoning to Watershed Conservation District would reduce the development potential of affected land by at least 90 percent. In addition, the we echo the concerns raised in the June Planning Director Memo that the proposed Development District change would be difficult to implement and may be inconsistent with the requirements of the Sustainable Growth & Agricultural Preservation Act of 2012.

**Issue: The BOCC proposals to change the Development District boundaries and to reduce the permitted densities in the Watershed Conservation District and all “major stream valleys” within the Rural Conservation District and the Agricultural Conservation District could cause a substantial number of properties to become nonconforming.**

During work sessions held on June 7th and 14th, members of the BOCC proposed changes to the Draft Comprehensive Plan that would reduce the permitted development density of thousands of acres of land in the County. One proposal would revise the boundaries of the proposed Development District to match those of the existing PFA located in the northern (Waldorf) area of the County. This change would reduce the size of the Development District from 52,200 acres to 23,360 acres and likely would result in the downzoning of 28,840 acres of land from Development District (which has a base residential density of one unit per acre) to Watershed Conservation District (which has a base residential density of one unit per ten acres). Another BOCC proposal would reduce the development density of the Watershed Conservation District from one unit per ten acres (1:10) to one unit per twenty acres (1:20). If both of these changes are approved, the development potential of land that is rezoned from Development District to Watershed Conservation District would be reduced even further, from one unit per acre (1:1) to one unit per twenty acres (1:20). A third BOCC proposal would set a density limit of one unit per ten acres (1:10) for all “major stream valleys” within the Rural Conservation District and the Agricultural Conservation District.

A map that is attached to the June Planning Director Memo and compares the Development District with the PFA shows that a significant portion of the land that would be removed from the Development District—and likely downzoned to Watershed Conservation District—has already been developed. The June Planning Director Memo itself describes the area as having “many development projects coming on line and being built.” There is no indication that County planning staff has done an analysis to determine how much development already exists within the “major



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stream valley" areas that would be reduced to a residential density limit of one unit per ten acres under the BOCC proposal.

By reducing the development density of land that would be removed from the Development District, land within the Watershed Conservation District, and land within "major stream valleys" land, these BOCC proposals will cause existing development that exceeds the new density limits to becoming nonconforming.

Although the Charles County Zoning Regulations do not require owners of nonconforming lots, buildings, structures, and uses to bring them into compliance with current requirements, such "nonconforming situations" generally cannot be extended or enlarged in a way that would increase the extent of the nonconformity. In addition, a nonconforming situation could lose the grandfather protections if the use is discontinued for a period of one year or more. These limitations on the ability to improve or alter a nonconforming property can reduce its market value and would likely make it difficult for the owner of a nonconforming property to obtain financing for needed improvements.

We oppose the BOCC proposals to reduce the size of the Development District and to decrease the permitted development density of the Watershed Conservation District and "major stream valleys" on the ground that these changes will cause existing development that exceeds the new density limits to becoming nonconforming, creating potential loss of property values and problems with lenders.

**Issue: The BOCC proposal to reduce the size of the Development District may undermine the goal of having 75% of future residential growth occur within the Development District.**

The BOCC proposal to redraw the boundaries of the proposed Development District to match the boundaries of the existing PFA located in the northern (Waldorf) area of the County would reduce the size of the Development District from 52,200 acres to 23,360 acres. The magnitude of this reduction (the Development District proposed by the BOCC would be about 55% smaller than the one recommended by the Planning Commission in the Draft Comprehensive Plan) is made even more remarkable when viewed in the context of the stated purpose of the Development District. Chapter 3 of the Draft Comprehensive Plan states:





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The major advantage of the Development District concept is to map in advance those areas where 75% of the County's residential growth will occur and the County will provide infrastructure to support growth, including water and sewer, schools and roads. By providing opportunities for development in these areas, the County can better achieve its resource protection and agricultural preservation objectives by reducing pressure for development in areas dominated by farming activity or natural resources. To further these objectives, the Development District is designated as a receiving area for development rights that may be purchased and transferred from agricultural conservation and rural conservation areas around the County.

According to the Draft Comprehensive Plan, the County is projected to grow by more than 32,000 housing units and 75,000 residents from 2010 to 2040. Based on the stated intent of Chapter 3 that 75% of future residential growth will occur within the Development District, it appears that the Planning Commission expects that 24,000 new housing units will be built in the Development District.

It is not clear, however, whether these growth projections were taken into account when the BOCC proposed to drastically reduce the size of the Development District. When staff drafted text changes to Chapter 3 to reflect the BOCC's proposal to redraw the Development District boundaries, the above-quoted paragraph remained unchanged, meaning 75% of future residential growth apparently is still projected to occur within the much smaller Development District. Did staff or the BOCC do an analysis or even consider whether it is feasible for the BOCC-proposed Development District to house 75% of the County's future residential growth, even though it would be 28,840 acres (55%) smaller than the Development District proposed by the Planning Commission? If a 55% smaller Development District cannot accommodate such residential growth, then the BOCC proposal would undermine the resource protection and agricultural preservation goals of the Development District to the extent that it is unable to relieve development pressure in other areas of the County.

This BOCC proposal to reduce the size of the Development District could undermine the resource protection and agricultural preservation goals of the Development District to the extent that the smaller district is incapable of accommodating projected residential development. We question whether County staff has done an analysis to determine whether it is realistic to project that 75% of future residential growth can occur within a Development District that is 55% smaller than the

one proposed by the Planning Commission in the Draft Comprehensive Plan, and how the reduced Development District will affect development pressures in other areas of the County.

**Issue: The Draft Comprehensive Plan proposes that the County impose additional development review processes and mitigation requirements that will increase the cost of development and could undercut the County's economic development goals.**

The Draft Comprehensive Plan contains several proposed strategies—some of which are written as “Goals and Objectives,” “Policies,” and “Actions”—that would establish additional regulatory requirements that are likely to increase the cost of development in the County. In particular, the Draft Comprehensive Plan provisions quoted below provide a policy basis for the County to adopt architectural design guidelines, impose additional development mitigation fees, and adopt a mandatory inclusionary zoning ordinance.

#### Architectural Design Guidelines

- Policy 3.8: “Use land use controls, including but not limited to *architectural and site design guidelines*, to establish standards for development which improves its quality.”
- Goal 10.2/Policy 10.1: “Continue to seek improvement in the design quality of development in the County.”
- Chapter 10 (Development Districts): “In suburban residential areas the community character should be *high-quality suburban development* organized around a network of open space and community facilities. To provide attractive neighborhoods and foster a sense of community within suburban neighborhoods, suburban development should: ... Have *high-quality, attractive, distinctive architecture* that avoids the homogeneity typical of many suburban developments today.”

These provisions appear to indicate that the County will consider adopting architectural design guidelines as a means of improving the quality of future development. The italicized text quoted from Chapter 10 above contains planning language that, while aspirational, is vague and should not be incorporated into the text of an ordinance or regulation implementing this proposed policy.





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## Development Mitigation Fees

- Goal 8.10: "Ensure new development and redevelopment projects do not degrade the adequacy of receiving transportation facilities, or provide the appropriate improvements to mitigate for their impacts."
- Policy 8.2: "Require land developers to pay for any alterations, improvements, or additions to public roads and other facilities that will be needed to support the proposed development and will not be provided by normal County programming, including, but not limited to roads, entrances, deceleration and turning lanes, inter-parcel connections for subdivisions, signals, and park-and-ride lots."

Because the County already has an adequate public facilities regulation, these provisions suggest that the County will explore other types of development mitigation requirements. It appears that the County already imposes a school impact fee under Chapter 249 of the Charles County Code. Policy 8.2 suggest that an additional impact fee for transportation could be considered.

## Mandatory Inclusionary Zoning

- Policy 10.7: "Create an effective Moderately Priced Dwelling Unit (MPDU) program."
- Action 10-13 (BOCC Proposed Change): "Amend the Zoning Ordinance to require moderately priced dwelling units for any subdivision of 20 units or greater. Include the formation of an Affordable Housing Board to implement the monitoring and enforcement of such."

**Comment:** As will be discussed further below, these provisions suggest that the County could adopt a mandatory inclusionary zoning ordinance.

To the extent that the architectural design guidelines, additional development impact fees, and inclusionary zoning requirements proposed by the Draft Comprehensive Plan are implemented, the cost of developing property in the County is likely to increase. To the extent that these policies increase the cost of development, they are likely to undercut certain economic



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development goals contained in the Draft Comprehensive Plan. For example, Goal 4.3 of the Economic Development chapter provides that the County should: “Diversify the County’s economic base through the attraction of new businesses and encouraging the development of new start up [sic] businesses.” To the extent that the added development cost attributable to architectural design requirements and/or transportation impact fees discourages commercial development or renders potential development projects financially infeasible, the County may fail to realize desired economic benefits from development, including commercial or industrial development that would otherwise have the potential to diversify the County’s economic base and contribute to its fiscal stability.

We are the concerned that the Draft Comprehensive Plan policies favoring the establishment of architectural design guidelines, the imposition of additional development mitigation fees, and the adoption of a mandatory inclusionary zoning ordinance will increase the cost of development and could undercut the County’s economic development goals.

**Issue: The BOCC Proposed Changes would amend the Zoning Ordinance to include a mandatory inclusionary housing requirement, which raises constitutional questions and fundamental public policy issues.**

The BOCC Proposed Changes include an amendment to Chapter 10 of the Draft Comprehensive Plan that would establish a mandatory inclusionary housing program for the County. Proposed Action 10-13 provides that the County should:

Amend the Zoning Ordinance to require moderately priced dwelling units for any subdivision of 20 units or greater. Include the formation of an Affordable Housing Board to implement the monitoring and enforcement of such.

A zoning amendment adopted pursuant to this directive would require any subdivision containing 20 or more dwelling units to create moderately priced dwelling units would constitute a mandatory inclusionary housing ordinance. Below is a brief discussion of inclusionary housing as a technique for generating affordable housing, followed by a discussion of constitutional questions and public policy issues raised by mandatory inclusionary housing requirements.





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## Background on Inclusionary Housing

Inclusionary housing is a technique that originated in the 1970s to generate affordable housing through zoning by “requiring housing developers to dedicate a certain percentage of their constructed projects to low or moderate income housing.” Since the first inclusionary zoning ordinances were adopted in Fairfax County, Virginia and in Montgomery County, Maryland, the term “inclusionary housing programs” has come to encompass mandatory ordinances that may require developers to provide a certain percentage of affordable units in a new development or make payments in-lieu of constructing units, and voluntary programs that provide incentives for developers to provide a percentage of affordable units.

- **Mandatory Inclusionary Housing:** Mandatory inclusionary housing ordinances typically require each new housing development to include a minimum number of affordable housing units. Mandatory programs often vary with respect to the minimum project size that is subject to the requirement, the definitions of “affordability” and eligible income levels, the duration of affordability restrictions on units, and other guidelines regarding the location, design and occupancy of the units. Some mandatory programs allow payment of a fee-in-lieu of constructing units and some allow the affordable units to be constructed off-site. Programs that allow units to be provided off-site may require that the off-site units be created at a higher percentage than would be required for units provided on-site. In addition, some mandatory inclusionary programs provide developers with offsets such as density bonuses, fee waivers, and flexible dimensional controls.

- **Voluntary Inclusionary Housing:** Voluntary inclusionary housing programs seek to produce affordable housing in new developments by offering developers incentives in exchange for providing such units. In general, the incentives are designed to influence development economics in a manner that transforms the provision of affordable units into a benefit to the developer’s bottom line. They may include density bonuses, flexibility in zoning restrictions (e.g., reduced parking and setback requirements, etc.), fee waivers, exemptions and deferrals, favorable real estate tax treatment, financing on favorable terms, and expedited or priority permit review processes. The most common incentive offered is a density bonus that allows an increase in the overall number of by-right market rate units on a given development parcel. The intent is that the additional return to the developer from the increased number of market rate units can compensate the developer for the reduced return on the discounted affordable units.

There is no indication in the text of the BOCC Proposed Changes that developer participation in the proposed Moderately Priced Housing program would be voluntary, or that the County will prepare a menu of incentives (e.g., density bonuses and fee waivers) to encourage rather than mandate developer participation in the program.

We oppose the BOCC proposal that the County adopt a mandatory inclusionary zoning ordinance for the reasons discussed above. We question whether the BOCC has requested and received the advice of legal counsel as to whether a mandatory inclusionary zoning ordinance would be vulnerable to challenge as an unconstitutional exaction. There are public policy issues and concerns arguments against the proposed mandatory inclusionary zoning ordinance:

- A. It is unfair to place the burden of providing affordable housing solely on developers. The lack of affordable housing is a societal problem, and as such, all of society should share the responsibility of addressing it.
- B. Inclusionary zoning does not address the factors that contribute to the high cost of market rate housing, i.e., high land costs, lack of available sites, developer fees and exactions, cumbersome permitting process, etc. Moreover, inclusionary zoning only adds costs to the development of market rate housing.
- C. Inclusionary zoning places financial hardships on developers. Ultimately, they will no longer be able to provide housing in the community because the costs are too high, or they will pass the costs on to market rate buyers, thus making it more expensive for them to buy a home.
- D. Resale price controls eliminate homeowners' ability to realize a reasonable profit on the resale of their home and therefore takes away the incentive for them to maintain their home. This makes it difficult to resell inclusionary units, which lessens their availability to the housing market.
- E. The cost of implementing an inclusionary zoning ordinance for a local government entity is significantly high. Most local governments cannot afford the amount of staff resources and experience required to implement and administer an effective program.
- F. Ultimately, the best way for a local government to provide affordable [housing] for its constituents, at all income levels, is to make it easier for developers to develop such housing. Incentives such as reduced land costs and land restrictions, increased availability
- G. of housing sites, and reduced fees make the development process less costly and time consuming.



H. The practice of in-lieu fees is a tax on homeowners and renters.

- I. Many jurisdictions collect in-lieu fees, but do not leverage the revenues to build more affordable housing. Instead, in some cases, the money is not spent to produce new affordable housing

Rather than adopting a mandatory inclusionary zoning ordinance, we would urge the BOCC to consider establishing a voluntary inclusionary housing program that provides incentives such as density bonuses and fee waivers to encourage developers to produce moderately priced housing units.

**Issue: Chapter 7 of the Draft Comprehensive Plan should be revised to incorporate the economic development strategies outlined in the recently completed Economic Development Strategy.**

The stated purpose of the Chapter 7 (Economic Development) of the Draft Comprehensive Plan is “to provide the land use and development environment that supports the County’s economic development goals and objectives.” In light of this objective, it is noteworthy that Chapter 7 contains no mention of the economic development strategy document “A Proactive Approach to Shaping the Economic Future of Charles County, Maryland,” dated May 3, 2016 (the “Economic Development Strategy”). The Economic Development Strategy states that it was prepared (by a pair of consulting firms) for the County Department of Economic Development in order to “help Charles County understand how it can leverage its strengths and mitigate challenges to create economic opportunities for its citizens.”

The Economic Development Strategy contains several recommended strategies that appear to be relevant to and appropriate for inclusion in the Draft Comprehensive Plan. For example, the document recommends that the County “advocate for funding sources to improve the County’s economic development infrastructure” and “improve gateways into the County.” It also recommends that the County enhance its water and wastewater capacity and availability to certain sites and that it create a “one-stop permitting office.” The Economic Development Strategy notes that a one-stop permitting office “not only provides efficiencies in the flow of



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John Collier

*C.E.O.*  
David Jenkins

approval and permitting on a local level, it adds to the County's cachet of being innovative and creative in nurturing private investment for all of the County."

Given the economic development purpose of Chapter 7, it stands to reason that the analysis and recommendations of the Economic Development Strategy should be integrated or incorporated into the Draft Comprehensive Plan.

Recommendation: We urge the BOCC to incorporate the analysis and recommendations of the Economic Development Strategy into Chapter 7 of the Draft Comprehensive Plan.

In closing, we urge the County Commissioners to reconsider these drastic changes that will have major negative impacts on existing and future County residents and our economy.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Stephen L. Paul", is written over the typed name "Steve Paul".

Steve Paul  
President



6/21/16

To: Charles County Commissioners

From: Jerry Faith, Taxpayer White Plains, MD

Subject: 2016 Comprehensive Plan

The 2016 Comprehensive Plan is an example of a prescription to bankrupt Charles County. It is an example of Liberalism is a mental disease.

The light rail system is a myth. If the system would cost \$3 Billion each Charles County taxpayer would be responsible for \$20,000 and each family of 4 \$80,000. The Maryland politicians do not support a new Harpy Nice Bridge so they would never support a light-rail system. The bridge would be beneficial to the entire area when the rail system focuses on Charles County residents.

More affordable rental units does not increase the tax base. Many residents of the apartments are tax takers rather than taxpayers. For example, if a renter has 2 children it costs \$30,000 a year to educate the children.

Don't approve the plan! Approve a Plan to support the present residents of Charles County by supporting our Peace Officers, Fire people, EMS and teachers to insure our excellent quality of life and don't create debt that can't be paid back.



June 27, 2016

Charles County Commissioners  
P.O. Box 2150  
La Plata, Maryland 20646

**Re: Maryland Airport; Proposed Amendments to Comprehensive Plan**

Dear Commissioners:

On behalf of the Maryland Airport and Bauserman Services, Inc., I strongly urge you not to adopt the proposed amendment to the Comprehensive Plan re-designating the land around the airport from Light Industrial and Employment to a residential category.

The light industrial, employment and business park designations surrounding the Maryland Airport serve two (2) purposes. First and most importantly, the land serves as a buffer between the dedicated airport property and surrounding residential and commercially zoned properties. A biggest threat to an airport is encroachment from incompatible uses, such as residential development. The Maryland Airport is a significant component of the Federal and State air infrastructure. It is one of eight relievers designated within the State of Maryland. To date, over \$20 million dollars of federal and state monies have been invested in this important asset. The re-designation of land to residential uses poses serious encroachment issues which threaten the future of the airport and the significant public investment. The recently adopted Airport Land Use Study recognized such a concern and appropriately retained such designations. If the Commissioners vote to re-designate this land, they will be voting to create the residential encroachment such as that which created the safety issue for Montgomery County's airport.

The secondary purpose of the land retaining light industrial, employment and business park land is to provide the citizens of Charles County and the State of Maryland to finally recognize the economic benefits of having one of only five privately owned/public use airports in the United States. This land allows the thru-the fence operations to exist that are compatible with the Airport and create jobs, tax revenue and educational opportunities for our children. For this reason and the reasons set forth in Paragraph Two, the Maryland Department of Planning strongly encouraged the Commissioners to ensure sufficient employment and light industrial lands be maintained around the Maryland Airport. Located in the midst of a regional hub of air transportation, it is important to note the following facts which should already be part of the public record:

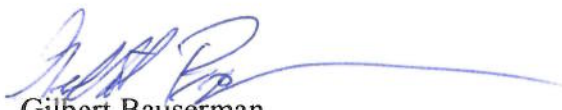


1. According to the 2014 the United States Government Accountability Office Report to Congress on the current and Future Availability of Aviation Engineering and Maintenance Professionals there may be a shortage of aviation engineers, maintenance professionals and avionic technicians over the next 10 years.
2. According to the **FAA AEROSPACE FORECASTS FISCAL YEARS 2016 – 2034** “the long term outlook for general aviation, driven by turbine aircraft activity, remains favorable. The active general aviation fleet is projected to increase at an average annual rate of 0.2 percent over the 21-year forecast period ... The large increases in jet hours result mainly from the increasing size of the business jet fleet, along with continuing increase in utilization rates, as indicated by the GA Survey.” Further the report found, “The growth in air travel demand and the business aviation fleet will drive growth in operations at FAA facilities over the forecast period.” The report also found positive growth for light sport aircraft.
3. Located 20 miles from Washington D.C. and 23 air miles from the White House, the Maryland Airport is the closest regional airport outside the no-fly zone. With easy access to National Harbor and Downtown D.C., it is ideally located to take advantage of the increased demand for corporate air travel.
4. The State of Maryland Airport Economic Impact Study in 2013 – which studies direct, indirect and induced socio-economic impacts of airports, reported that the Maryland Airport contributes more than \$9 million annually in the form of direct and indirect business revenue.

The Maryland Airport has been an essential part of the Charles County Community and has served its Nation, State and County since 1945 when Charles Bauserman, his neighbors and members of St. John’s Church petitioned the State to designate it as a flight school and airport. It is a vital part of Charles County’s past, present and future. Emergency responders, the Civil Air Patrol, our local schools, veterans organizations and community organizations such as Pilots-n-Paws and Patient Air Lift, all utilize and benefit from the Maryland Airport. Federally regulated, the Airport meets the highest environmental standards and has state of the art stormwater management facilities. It is unclear, therefore, why the Commissioners would take action that will eventually lead to the extermination of this important asset.

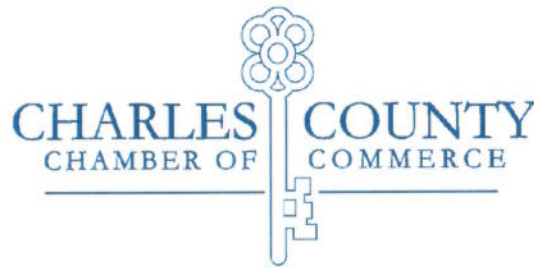
The Bauserman family, Bauserman Services, Inc. and the Maryland Airport strongly urge the Commissioners to vote against such a proposed amendment.

Sincerely,



Gilbert Bauserman  
Owner, CEO

101 Centennial Street, Suite A  
La Plata, MD 20646  
(301) 932-6500 (301) 870-3089  
Fax: (301) 932-3945



E-mail:  
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Website:  
[www.charlescountychamber.org](http://www.charlescountychamber.org)

June 27, 2016

Charles County Commissioner President Peter Murphy  
Charles County Board of Commissioners  
P.O.Box 2150  
La Plata, MD 20646

Dear Commissioner President Murphy and Commissioners:

On behalf of the Charles County Chamber of Commerce, I am writing to express my concern over the proposed changes to the Comprehensive Plan approved by the Planning Commission and sent to the Commissioners for ratification.

The "importance of the Comprehensive Plan in land use planning and economic development is significant." Comprehensive planning, as noted by the Maryland Court of Appeals, allows the planning of growth "in a manner that allows for the expansion of economic activities and opportunities in the area or region for the benefit of its residents, while at the same time attempting to maintain the quality of life of the region, all without unduly disturbing the reasonable expectations of the citizenry as to the permissible uses they may make of real property." As stated previously by the Chamber, the planning process has resulted in Charles County being a diverse and vibrant community, preserved hundreds of acres of rural land under the TDR program and various conservation and preservation programs, and helped make Charles County one of the wealthiest counties in the country. A Comprehensive Plan should balance the needs of an entire community and not just the select few who choose to make the County "their playground."

The Chamber urges the Commissioners to remain committed to land use goals that further the economic vitality of our County. The Chamber believes that the goals of economic growth and the goals of sustained evenhanded growth in an environmentally sustainable manner are not mutually exclusive. The Chamber fears that the proposed amendments do not accomplish these goals. Further, the proposed amendments discount the work of Planning Commission over the past six (6) years and disregard the incorporation of *six (6) years* of public comment from various sectors of the Charles County community. Such broad sweeping amendments and rewrite of the Comprehensive Plan with no notice to the community at large and little discourse from the proposed stakeholders undermines the integrity of the Comprehensive Plan process as set forth in the Land Use Article and disenfranchises a significant number of both corporate and private citizens.

In reviewing the Comprehensive Plan and proposed amendments, the Chamber has two primary areas of concern: Economic Development and Transportation. With respect to economic development, the Chamber notes a failure to incorporate the taxpayer funded findings and recommendations of the County's Economic Realities Report and proposed 5 Year Strategic Plan. On the contrary, many of the amendments are inapposite of the recommendations set forth in the Economic Realities Report. For example, one of the final recommendations set forth in the Final Section of the Economic Realities Report is "Support Improvement of the Maryland Airport." Such a recommendation is consistent with the Airport Land Use Study recently adopted by a unanimous Board of

*"The Charles County Chamber of Commerce provides leadership in supporting and promoting the free enterprise system through business development, education and sound ethical values for the benefit of our members and our communities."*



Commissioners and is consistent with the statement by the Maryland Department of Planning that sufficient "employment" land be maintained around the Maryland Airport. The proposed amendment to amend the Comprehensive Plan to re-designate the land around the airport as residential is contrary to the Economic Realities Report, the Maryland Airport Land Use Study and the recommendations of the Maryland Department of Planning. The Chamber has repeatedly testified that the biggest threat to an airport is a local government's failure to plan for it. If the proposed amendment is adopted, Charles County Government will be planning against the airport and not for it.

With respect to Transportation, the Chamber supports the concept of mass transit as both a tool for economic growth and environmental stewardship. The Comprehensive Plan before the Commissioners has already removed approximately 11,000 acres from an area planned for intense development, the Deferred Development District. Before action on amendments to reduce the Development District, the Commissioners should conduct a study to determine what impact this will have on its long term goal of mass transit and its long term transportation plan. The Chamber makes this statement recognizing the reality that mass transit is a long term solution that will not occur without corresponding commercial and residential growth. Such a study and an even handed response to this issue will reinforce the goals of the Plan which state, "Supporting business development through assigning priority to the provision of adequate infrastructure, especially transportation, and water and sewer facilities, to locations set aside for business use. Infrastructure must be in place if the County is to remain competitive in attracting new business and industrial investment."

The Chamber also recognizes that mass transit will not solve the answer for businesses seeking to efficiently and effectively deliver goods and services throughout the County. Nor does mass transit address the safe, effective and efficient travel of our first responders and children. The Transportation Plan deletes long term transportation components from the Plan but presents no viable alternative or short term or long-term transportation alternatives. As far back as the early 1990's there was a recognition that upgrades to Route 301 would not sufficiently address traffic concerns within the County. 9/11 and the gridlock on Route 301 and Route 210 impressed upon the County the need for a more robust and viable road network that included modern east/west routes. The Chamber strongly believes that Transportation Plan set forth in the proposed Plan is deficient and does not meet the needs of the Charles County business community or Charles County citizens.

"Everyone should have a seat at the table." Everyone should have a voice. If the proposed amendments are adopted, six years of citizens' comments, private and public, will not have a voice. In particular, business in Charles County will know that its voice has been largely ignored and its seat at the table is dubious.

Sincerely,



Billie Stachura, Chair

Charles County Chamber of Commerce

June 21, 2016

Hand-Delivered

Board of County Commissioners of  
Charles County, Maryland  
Charles County Government Building  
P.O. Box 2150  
La Plata, Maryland 20646

Re: 2016 Draft Comprehensive Plan / 1,160 Acre Area South at Billingsley Road

Dear Commissioners:

My name is Ed Carroll and I was raised in Charles County and have worked within the County for the past 30 years. I am employed as a Vice President and Director of Environmental Engineering in the Waldorf office of Soltesz, Inc., a civil engineering consulting firm. I hold a degree in Urban Planning and I am a Maryland licensed civil engineer.

My testimony supplements that which was presented orally and in writing by Mr. David Cooksey, Senior Vice President of Soltesz, in conjunction with the first BOCC Comprehensive Plan public hearing. I have attached and incorporated Mr. Cooksey's testimony as "Attachment A".

The area I am addressing is the 1,160 acres of land located west of Route 301, south of Billingsley Road, east of Middletown/Turkey Hill Road, and north of Route 227. This area was designated as Tier II for public sewer and water just 2 years ago, and has been a County approved and State endorsed Priority Funding Area (PFA) for 16 years. As such, and because it is in the County's Deferred Development District, it contains an already purchased future elementary school site, its topography naturally drains almost entirely to the Port Tobacco River (rather than the Mattawoman Creek Watershed), and the County Planning Staff had correctly identified the 1,160 acres as the next logical area for development.

The County Planning Staff recommended keeping this area within the Development District, PFA and Tier II designation. However, the Planning Commission ignored its Staff's expert and reasoned position. The clear advantages to the County of keeping the 1,160 acres in the Development District, PFA and Tier II are as follows:

1. The entire 1160 acres was designated as a Priority Funding Area by the Charles County Commissioners with Resolution No. 00-48 in 2000. This designation was applauded by the then-Director of Planning for the State of Maryland as being well thought out and very consistent with the idea of "Smart Growth".
2. In addition to the existing elementary school site previously mentioned, a future middle school and a public park could be envisioned for this area. By allowing for development, the private sector can also participate in funding sewer for this area, which will also serve the schools and park.





3. As a PFA, this area will retain its eligibility for State contributions for construction of the schools and park.
4. Connecting trails can be built through residential developments to link the Indian Head Trail with any schools and park.
5. Placing a new future middle school in proximity to the current elementary school site would allow for economies of scale, and further cost savings for the County.
6. Residential development can be built on the south side of Billingsley Road from which children can safely walk and bike with close proximity to the schools, park and the Indian Head Trail.
7. After subtracting the schools, park and already existing development from the 1,160 acres, approximately 600 acres (or roughly one-half) will remain for potential residential development. These remaining developable acres would then be further restricted by any environmental constraints, the need to obtain necessary entitlements, and the timing of the market place.
8. Any environmental impacts from this development will be minimized by the engineering and environmental Best Management Practices (See, Comp Plan p. 5-22 at Sec. 5-5), and Cluster Development techniques as called for in the Comprehensive Plan.
9. Allowing a reasonable amount of development to occur within this area will create opportunities to provide a percentage of affordable housing units, and implementation of the County's TDR program to preserve land elsewhere.
10. Finally, without retaining the current Development District, PFA and Tier II designations of the 1,160 acres, none of the above public benefits will occur. Even if the schools and park were somehow able to be built, they would be acquired, constructed, and sewerred at the sole expense of the County, and would be essentially located in a "no man's land" south of Billingsley Road.

Sincerely,

Soltesz, Inc.

Ed Carroll, P.E.  
Vice President and Director  
of Environmental Engineering

Enclosure: "Attachment A", Letter to BOCC from Mr. David Cooksey

June 21, 2016

Board of County Commissioners  
Charles County Maryland  
P.O. Box 2150  
200 Baltimore Street  
La Plata, MD 20646

Attention: Danielle Mitchell  
Clerk for the Board of County Commissioners

RE: Proposed changes to the Comprehensive Plan –Watershed Conservation District and its impact on the Griffith Property, located at 10300-10400 Griffith Lane, White Plains

Dear Commissioners,

My name is Madelyn Griffith Irish and I have been a Charles County resident and taxpayer for the last 50 years. I and my children are owners of a 232 acre farm located at 10300-10400 Griffith Lane, White Plains. I am writing concerning the proposal to remove 1,160 acres from the Priority Funding Area (“PFA”) and place it into the Watershed Conservation District (“WCD”). Our farm is part of the 1,160 acres in question. I respectfully ask that the Commissioners reconsider this proposal and that the 1,160 acres in question be kept within the development district for the following reasons, among others:

- The 1,160 acres should be placed in the Residential Development District and not be placed in a Watershed Conservation District originally created to protect the Mattawoman Stream Valley. 100% of the 1,160 acres are outside of the Mattawoman Stream Valley.
- Priority Funding Designation should be maintained for the 1,160 acres and not a gerrymandered PFA surrounding only the proposed Elementary School #22. Maintaining the PFA status for this entire 1,160 acre area would allow for a future middle school and park location to be eligible for State Funding.
- Tier II sewer map designation should be maintained for the 1,160 acres. The Commissioners should reject proposals for the County to construct a multi-million dollar temporary pump station to serve only the proposed Elementary School #22, when a more thoughtfully designed and located pump station can serve areas with failing septic systems, future public school(s), future public parks, and future development at little to no cost to county taxpayers.
- The Commissioners should designate the 1,160 acres as a Transferable Development Rights (“TDR”) receiving area to allow for reasonable development to occur in an area long planned for and designated for growth. This area is less than 1 to 2 miles from Route 301, with significant public investment in infrastructure already in place.



- Inclusion of the 1,160 acres in the WCD would have an immediate and significant adverse effect on the value and potential uses of our farm and would, in effect, **single out our property for far greater development restrictions than that of other properties immediately adjacent to and surrounding our property in all directions (e.g., Southwinds Active Adult Apartment Community- North; Army Reserve Center being constructed- South; Other recently-built residences on Griffith Lane- South; Theodore Green Industrial Park- East; and Padgett Estates Subdivision- West).**

In light of all the above factors, we respectfully request that the County Commissioners reject any proposed action to include our Farm in the WCD, Tier IV area.

Sincerely,



Madelyn Griffith Irish

Testimony of **Edward R. Fleming** on behalf of the **Walton Group of Companies**

To the **Charles County Commissioners**

Re: 2016 Comprehensive Plan

June 21, 2016 (2<sup>nd</sup> Public Hearing, 6:00 p.m.)

1) Introduction

- Edward R. Fleming - President of East Region, Walton Development & Management; Colonel (Retired), U.S. Army (Corps of Engineers)
- Walton Group of Companies – family-owned company that owns/operates 136 acres adjacent to Billingsley Rd
- I testified May 17 on this topic at the initial public hearing.
- This comprehensive plan shows that Charles County is **not** open for business. There is a huge **closed** sign hanging on the County
- The decisions that the BOCC appear poised to make are tantamount to a building **moratorium**.
- I am **disappointed** that the BOCC hasn't showed the leadership skills to balance economic growth with environmental protection. Nor have you accepted the advice of the non-partisan professional planning staff in regards to the 1160 acres yet you took the advice of the politically appointed Planning Commission.
- It is a **bad economic decision** since you have already spent the money to widen Billingsley Rd, install the water line, buy the school property and design the school; and you will lose the opportunity to gain additional tax revenue from developed land and lose developer-provided sewer service to the elementary school site. It is a **bad safety decision** because you are denying the opportunity for children to walk to school without crossing Billingsley Rd. And it is a **bad and disingenuous environmental decision** because this will not do anything to save the Mattawomen Creek.

2) The BOCC still has not taken up issues related to the 1,160-acres

- a) For reference, this is the two square miles of land (1,160 acres) east of Middletown Road, south of Billingsley Road and north of Marshalls Corner Road, all of which is within a two-minute drive west of U.S. 301.
- b) We are disappointed that, after the status of the 1,160-acre area has been specifically identified by the Commissioners as an outstanding issue, and was listed as Amendment No. 14 for discussion at today's Work Session on the proposed Comprehensive Plan, this still has not happened and our concerns have not been resolved.



- c) This puts Walton, other land owners, and the County in a difficult and uncertain position as the Comp Plan moves forward.
- d) Specifically, for the record, I want to restate our concerns:
  - i) Because some 90% of the 1,160 acres is outside of the Mattawoman watershed, no viable rationale or nexus exists for placing this area (including Walton's 136 acres) in the Watershed Conservation District (WCD). Such downzoning would be arbitrary and capricious, and violate our substantive due process rights and equal protection rights.
  - ii) The process used by both the Planning Commission and Charles County Commissioners to complete the 2016 Comprehensive Plan has been consistently and substantially flawed from a procedural due process standpoint. For example:
    - (1) The BOCC's purported "Work Sessions" have not involved any substantive public discussion of issues and amendments regarding the Plan.
    - (2) The public notices of hearings on the Comprehensive Plan have been flawed because the Charles County Commissioners have continued to propose amendments following issuance of these notices and before conducting the hearings, thereby improperly and prejudicially compressing the required notice period.
    - (3) On these and other due process and constitutional violations, Walton hereby objects and reserves its right to raise subsequent challenges.
  - iii) Further, downzoning the 1,160 acres to 1 unit per 20 acres is tantamount to an unconstitutional taking of the property, given our and other property owner's reasonable investment-backed expectations, dating as far back as the 2006 Comprehensive Plan, and the long-standing PFA and Tier Map designations which are still in effect.
  - iv) "Are the County Commissioners trying to use the new Comprehensive Plan to impose a moratorium?" Proposals now under consideration by your Board that would have the impact of placing a moratorium on this area and other parts of the County.
  - v) Across the State and in the metropolitan Washington area, imposing a moratorium would damage the County's image and have a chilling effect on new business and economic prospects, undermining the County's hopes for economic growth and dealing a serious blow to

the County's new economic development strategy before it even gets out of the starting gate.

- vi) Finally, the changes in Priority Funding Area and Tier Map designations you are considering for the 1,160 acres run counter to the State's established "smart growth" and planning policy, and could jeopardize millions of dollars in State and private sector funding for sewer infrastructure, schools and parks.

3) Action Requested

- a) The 136-acre tract that Walton owns on the south side of Billingsley Road, which surrounds the site of the County's next Elementary School on three sides, should:
  - Remain in the Priority Funding Area (PFA) which was designated in 2000;
  - Remain in the Tier II area designated in 2014, which is planned for future sewer service;
  - Not be included in the newly proposed Watershed Conservation District; and
  - Be zoned "Residential Development District" and be designated a receiving area for Transferable Development Rights (TDRs),
  - As recommended to the Planning Commission by the Charles County Planning Director.
- b) We have submitted overwhelming evidence for the record that supports our request; Other citizens whose property is located in the same 1,160-acre area have expressed similar concerns.

4) Concluding Comments

- Certainly, neither the County the Commissioners, nor the property owners are looking forward to a protracted second-guessing of the County Commissioners' actions on the proposed Comprehensive Plan. To be debating this Plan a year from now would be unnecessary and unfortunate but probable. This can be properly and simply avoided by amending the Plan as we have requested.
- Accordingly, we respectfully request that the Charles County Commissioners fully discuss the zoning, PFA and Tier designations for the 1,160 acres in your next Work Session, and carefully consider our recommendations, before taking any vote on the proposed Amendments to the Comprehensive Plan. It is what you have said you would do, and it is the right thing to do.



June 21, 2016

Charles County Board of Commissioners  
c/o Mr. Steven Ball, AICP, LEED AP  
Planning Director  
Department of Planning and Growth Management  
Charles County Government  
200 Baltimore Street  
La Plata, Maryland 20646

Re: Comprehensive Plan Comments – June 21, 2016 Public Hearing

Dear Mr. Ball:

On behalf of the Maryland Building Industry Association (“MBIA”) I am pleased to submit comments for the public record on the revisions proposed to the Comprehensive Plan since the May 17, 2016 public hearing. Our comments are formatted in order addressing key elements of the plan.

### **Chapter 3 Land Use**

#### **Development Districts**

In 2011 a Land Use Market Supply and Demand Analysis was prepared for Charles County to support the Comprehensive Plan update. Since then the land supply available to meet future demand has been significantly restricted by adoption of the Tier Map along with current proposals to replace the deferred development district with a watershed conservation district, downzone Bryans Road, downzone stream valleys beyond the current resource protection zone and reclassify Tier 3 land to Tier 4. The cumulative effect of these changes coupled with the proposed reduction of the Development District and subsequent downzoning would not retain a sufficient supply of developable land to meet future needs. Significant public and private investment has been made in providing infrastructure to serve the higher densities planned for these areas. The current boundaries of the Development District should be retained to ensure an adequate supply of land is available to meet projected demand through the planning horizon. Further, the County should pursue expansion of the Priority Funding Areas to match the current Development District boundary to maximize available funding sources for future infrastructure improvements.

#### **Residential Districts**

Downzoning land currently within the Development District west of Waldorf to Suburban Large Lot is misguided. The area is currently developed at densities of 3 to 5 units per acre which is incompatible with the proposed lower densities and goals of the Suburban Large Lot District. In addition, a critical receiving area for Transferrable Development Rights would be lost if this area were downzoned.

### Employment and Industrial Districts

The area surrounding Maryland Airport should remain zoned for employment and industrial development.

### Rural Residential/Agricultural Conservation Districts

There is no need to establish a lower density for “major stream valleys” within these districts. Please refer to our comments regarding Protection of Streams and their Buffers.

## **Chapter 5 Natural Resource Protection**

### Protection of Streams and their Buffers

The belief that impervious surfaces have an inevitable negative impact on the health of a stream is no longer valid. Recent studies by the Environmental Protection Agency, The Center for Watershed Protection and others demonstrate there is no longer a direct linear relationship between impervious coverage and stream health. This is primarily due to the fact that current stormwater management regulations ensure post development hydrologic conditions are equivalent to the hydrologic condition of woods both in water quality and runoff volume. Impervious cover is now more properly defined as *effective impervious cover* for watershed planning. For example, assuming all other conditions are equal, one acre of impervious surface constructed under the stormwater regulations applicable in 2000 will have a significantly greater impact on the receiving waterway than one acre of impervious surface constructed under the current stormwater regulations. In addition, impervious caps ignore the significant pollutant removal provided by stream buffers. Impervious cover caps are outdated planning tools. Stream buffer widths should be established based on sound science. Recent studies have demonstrated the critical buffer width varies based on the particular pollutant; 40 to 50 feet for total suspended solids (sediment); 50 to 60 feet for phosphorus and 55 to 65 feet for nitrogen and more soluble pollutants. At relatively small buffer widths the pollutant removal efficiency increases rapidly as buffer width increases. However, minimal additional pollutant removal is achieved as the buffer width increases beyond the critical width. The best available science should be used to guide watershed planning.

## **Chapter 7 Economic Development**

This section of the Plan should include a discussion on the positive fiscal impact of residential construction. It has been stated that residential development doesn't pay for itself. In other words, the cost of providing services for residents exceeds the revenue the government captures from those residents. This is a common misconception which has been proven false. Residential growth is essential for a healthy economy. In addition the recommendations of the approved Airport Land Use Study should be an integral part of the Plan.